

## University of Groningen

### Public reason and religious arguments

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*Document Version*

Publisher's PDF, also known as Version of record

*Publication date:*

2010

[Link to publication in University of Groningen/UMCG research database](#)

*Citation for published version (APA):*

Schuster, A. (2010). *Public reason and religious arguments*. [Thesis fully internal (DIV), University of Groningen]. s.n.

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# Tolerating religious political parties

## 7.1 Introduction

Political parties move between the informal and the formal public sphere. Belonging to both spheres, they connect opinion-formation with will-formation. They are essential to the democratic process. They ensure the representation of citizens and are legitimised by popular support. Religious political parties are parties and therefore the same applies to them. Religious parties enjoy the same legitimacy as other parties in so far as they fulfil important functions in the political process and are legitimised by popular support.

On the other hand, rejection of religious politics is widespread, as the foregoing chapters have shown. That religious arguments should not be used in the formal public sphere is a widespread opinion in public reason theories. Religious organisations active in politics, such as religious parties, are regarded with even more misgivings. Amy Gutmann, for instance, has claimed: “There is good reason to strive for political organisation that keeps organised religion largely separate from everyday politics” (Gutmann 2003, p. 152). Where political philosophy has dedicated attention to religious parties, it has been within a framework of toleration (e.g. Rosenblum 2007; Mersel 2006). Apparently religious political parties are objects of disapproval and can, if at all, only be tolerated in liberal democracy.

This chapter takes up the issue of tolerating religious political parties. It builds

on the results of the foregoing chapters, particularly on the legitimacy of the use of religious arguments by religious parties and the special role of parties in the political process, and investigates what, if anything, justifies treating religious parties as objects of toleration (and therefore of disapproval). After having identified two points on which certain kinds of religious parties come into conflict with liberal democracy, I go on to argue that, indeed, toleration is not only the proper framework but also the proper reaction to such religious parties. Applying Jeff Spinner-Halev's framework for tolerating religious groups, which emphasises the role of the liberal mainstream, I reach the conclusion that those religious parties who conflict with liberal democracy should be tolerated.

This, however, is only a preliminary conclusion and conclusive judgements have to take into account the peculiarities of specific religious parties, in particular the degree to which they pose an actual danger to the democratic system. In the second part of the chapter I therefore turn to a case study of a theocratic religious political party, the Dutch Calvinist *Staatkundig Gereformeerde Partij* (SGP, Political Reformed Party<sup>1</sup>). I shortly review the history of religious politics in the Netherlands and argue that the SGP, even though it conflicts with liberal democracy, is an essentially harmless party both from the viewpoint of the Dutch tradition of religious politics and given its inability, and probably unwillingness, to abolish liberal democracy.

What is true for the SGP on the national level, however, is not true for the SGP on the local level. In the small towns of the Bible Belt where the SGP in cooperation with another religious party has a majority of seats in the city council, the SGP does not anymore appear as an essentially harmless party. Here, it conforms to the fears by public reason authors that the legitimate coercive power of the state is exercised on a religious basis. However, liberal democrats committed to representation and a procedural notion of democracy cannot do anything about this situation, and neither can adherents of public reason.

## 7.2 Variants of religious parties

Following Rosenblum, religious parties can be broadly defined as parties that “appeal to voters on religious grounds and draw their inspiration from religious values if not theology” (Rosenblum 2003, p. 25). This definition admits to a continuum of religious political parties, the poles of which can be usefully marked by distinguishing between denominational mass parties and religious fundamentalist parties (Gun-

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<sup>1</sup> This is how the party referred to itself in English when it still had an English-language website.

ther and Diamond 2001, p. 16). These are ideal-type parties and may not exist in the pure form described below but they can contribute to understanding the issues relevant in distinguishing between different kinds of religious parties.

Denominational mass parties are tolerant, pluralist and embrace the democratic system. They accept the institutions and rules of democracy and are in many respects like other, non-religious mass parties but differ on one account: their religious ideology.<sup>2</sup> Their party programmes are based on a set of religious beliefs and values, and the parties draw on religious themes to mobilise their religious adherents. While varying interpretations of religious principles may exist within such parties, they tend to be socially conservative (Gunther and Diamond 2001, pp. 10, 16, 21).

Christian denominational mass parties became dominant in European politics after the Second World War. While most of them are still large parties, they have undergone fundamental transformations, in the process of which the role of religion within these parties has changed to be ancestry, background and source of inspiration rather than a political mission and programme in itself (Gehler and Kaiser 2004; Kalyvas 1996). Contemporary parties of this type, like the Dutch *Christen Democratisch Appel* (CDA)<sup>3</sup> or the German *Christlich Demokratische Union* (CDU), are inclusive, broad-based parties with an appeal not only to Christian voters but a wide range of social groups and denominations. Reference to faith, such as the word “Christian” in party names or a passing mention of God in party programmes testifies to these parties’ denominational background which may still attract religious voters but denominational mass parties cater to a diverse constituency of mostly conservatively inclined citizens.

By contrast, fundamentalist or proto-hegemonic religious parties “seek to reorganize state and society around a strict reading of religious doctrinal principles” (Gunther and Diamond 2001, p. 22). They do not accept differing interpretations of their religious principles and strive to impose religious values on the whole of society irrespective of its religious pluralism. In their party programmes, they reject the separation between religion and the state and accord ultimate authority to reli-

<sup>2</sup> This is not to say that religion as such is an ideology. For the purpose of this chapter, religious is what religious political parties present as religious.

<sup>3</sup> The CDA was founded in 1980 as a merger of three religious parties: the Catholic *Katholieke Volkspartij* (KVP), the Protestant *Anti-Revolutionaire Partij* (ARP) and the Protestant *Christelijk-Historische Unie* (CHU). It describes itself as a modern Christian-democratic People’s Party focusing on the community as the essence of society. It identifies the Gospel as its basis and source of inspiration but explicitly says not to defend the interests of one particular denomination. See [www.cda.nl/English.aspx](http://www.cda.nl/English.aspx) and [www.cda.nl](http://www.cda.nl). On the background and current state of religious politics in the Netherlands see section 7.7 below.

religious texts and their interpretation by religious leaders. As mass-based parties,<sup>4</sup> fundamentalist religious parties also often perform social welfare functions. For such parties, the use of religious arguments is not just a matter of expressing a religious tradition or adducing additional arguments for secular justifications. Rather, the use of religious arguments is an integral part of their character. It corresponds to their *raison d'être*, the grounding of politics on religion. To say that such parties should not use religious arguments is to say that such parties should not exist. Examples of fundamentalist religious parties are found mostly outside Europe; consider Algeria's Islamic Salvation Front or the Israeli Shas and United Torah Judaism parties. Yet fundamentalist parties continue to exist in Europe, too, where religious politics are often believed to have receded to the fringes of political life. One of the most interesting cases is that of the Dutch SGP, a Calvinist party represented in the Lower House of the Dutch parliament. I shall return to this example below.

It is clear that fundamentalist religious parties are stricter in their reading of religious doctrinal principles than other religious parties, but it is less clear when exactly the term fundamentalist, charged with negative associations as it is, should apply. Gunther and Diamond regard as fundamentalist those parties that are theocratic (Gunther and Diamond 2001, p. 22), others associate it with biblical literalism and a separation from the world, or with an antimodern outlook on life that seeks to reorganise all spheres of life under one set of values (see Stoffels 1992). The first definition making theocracy a crucial element of fundamentalism has the benefit of easy classification. Whether or not a religious party is removed from the world, in how far it takes the Bible literally or whether it seeks to reorganise all spheres of life under one set of values are all things that are difficult to establish. By contrast, whether a religious party is theocratic or not is determined by the contents of the party programme. Moreover, theocracy as a major characteristic of fundamentalist parties aptly captures the reformatory (or revolutionary) impetus of fundamentalist parties functioning within liberal democratic systems. While theocracy may be less suited for classifying religious groups in general, it is useful where the focus, such as in the present chapter, lies on religious *political parties*. For the present purpose, then, I will assume that fundamentalist parties are theocratic parties.

Between the outer ends of the spectrum of religious political parties occupied by

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<sup>4</sup> In the typology of Gunther and Diamond, mass-based parties are distinguished from elite parties, ethnicity-based parties, electoralist parties and movement parties. In this typology, "mass-based" refers not to the relative size of the party but to the organisational structure of the parties. Mass-based parties are parties with a large base of fee-paying members, active participation of members in party affairs, and a network of social organisations which help to mobilise voters but also to spread the party's views and objectives into other than the political arena.

denominational mass parties on the one hand and fundamentalist religious parties on the other there is room for a variety of forms of religious parties, some closer to one of the poles than others. Without having yet discussed the problems that religious parties raise for liberal democracy, it is clear that the closer a religious party comes to the fundamentalist end of the spectrum, the more likely it is to raise problems for liberal democracy. The closer a religious party comes to the type of denominational mass party, the less likely it is to differ in important respects from secular parties.<sup>5</sup>

For what is to come, it is helpful to distinguish a broad group of religious parties situated closer to the fundamentalist end of the spectrum but distinct from it: orthodox religious parties. As with all typologies, boundaries are blurry, but orthodox parties can generally be described as those religious parties that fully support liberal democracy and are not theocratic but take a traditional reading of religious texts as the basis from which they derive a political vision explicitly following that reading. Orthodox parties tend to be conservative with respect to interpretations of religious texts and religious principles, often also leading to conservative standpoints on ethical issues. An example of an orthodox party is the Dutch *ChristenUnie* or Christian Union (CU). The CU was founded in 2001 as a merger of the orthodox Protestant *Gereformeerd Politiek Verbond* (GPV) and *Reformatorische Politieke Federatie* (RPF). In terms of ideology, the CU is not fundamentalist. In its founding declaration, the party says that its Christian convictions are the basis of its political commitments and expresses its wish that the government put God's word into practice (see [www.christenunie.nl/en/unieverklaring](http://www.christenunie.nl/en/unieverklaring)). The CU posits in its party programme that government exercises its office by the grace of God and has the duty to combat in society all the things which are evil, according to the Bible. Neutral government is rejected in favour of a government serving God and publicly preaching the Gospel. Democracy is recommended as a political system because given the vulnerability of all people, including government officials, to sin and evil, democratic control of government is advisable.

Religious parties, be they fundamentalist, orthodox or denominational, may not be numerous in Europe or elsewhere in contemporary democracies, but religious party politics does have the potential to become a future issue. There is a sizeable percentage of Muslim citizens in Western European countries, and in the course of attempting to increase their organisational presence, Islamic religious parties may emerge. In fact, Britain has already witnessed the foundation of several Islamic polit-

<sup>5</sup> There are, of course, secular parties that raise problems for liberal democracy, such as ultranationalist parties. That a political party is secular does not necessarily mean that it is unproblematic from a liberal democratic point of view. However, they fall outside of the purview of the present chapter.

ical parties,<sup>6</sup> and according to recent press reports, similar attempts are being made to found an Islamic party in Finland.<sup>7</sup>

Apart from the possibility that Muslims may come to form religious parties, there is evidence that the decline of Christian public religion in Western democracies is far from irreversible. In the Netherlands, for instance, the CU was able to double the number of seats it occupies in parliament (from three to six) at the last general election and is now part of the government coalition. Over the last few decades it has become commonly acknowledged that secularisation is not to be equated with the privatisation of religion, and that religious politics will remain an integral part not only of remote Islamic countries but also of European and US-American liberal democratic politics (Bruce 1998; Casanova 1994). Religious political parties function as carriers, disseminators, and institutional manifestations of this phenomenon.

### 7.3 Public reason and religious parties as political organisations

Religious political parties have often been regarded with suspicion if not outright rejection. Some countries, for example, prohibit religious parties under their constitution.<sup>8</sup> In political philosophy, too, as has been shown, religious politics is widely rejected, and where religious arguments are deemed illegitimate, religious parties are denied the right to exist. Religious political parties themselves are hardly ever discussed as entities in their own right, and where they are, it is often in the context of banning parties, for example in the most extensive treatment of political parties from a religious perspective, Nancy Rosenblum's *On the Side of the Angels* (Rosenblum 2008; see also Rosenblum 2003; 2007). Religious political parties pose for political philosophy the problem of toleration.

The conclusions of the foregoing chapters already provide a number of considerations in favour of toleration. First, as I argued, citizens should be (morally) free to use religious arguments in public discourse. One of the faces of political parties (see section 6.7 of the foregoing chapter) is the party as an association of citizens. Citizens found parties in order to join forces in advancing their political commitments, and if citizens may have and express religious commitments in politics, then the same

<sup>6</sup> These are the Islamic Party of Britain, the Islam Zinda Baad Platform, and the Muslim Party. The last two are currently registered with the electoral commission.

<sup>7</sup> See, for example, the article in the Finnish newspaper *Helsingin Sanomat* (*Helsingin Sanomat* 7 September 2007).

<sup>8</sup> Bulgaria, for example. See Rosenblum 2007, p. 36.

should apply to political parties. Second, I argued that while MPs generally have a duty not to use religious arguments in the formal public sphere, an exception should be made for MPs of religious political parties. Their duty to represent religious citizens outweighs their positional duty not to use religious arguments. Representing religious citizens requires the use of religious arguments in so far as the representation of religious perspectives and worldviews is impossible using only secular terminology. This argument lends support to a different face of religious political parties: parties as political institutions operating in the formal public sphere. Third, I rebutted claims about the purported illegitimacy of religious conservative positions by introducing a distinction between arguments and positions. I argued that positions sometimes held by religious believers such as a rejection of abortion and same-sex marriage cannot be declared illegitimate only because they are supported with religious arguments. This is because the positions themselves are secular, while the arguments for them are religious. For religious parties, this means that they cannot be declared illegitimate simply because they sometimes hold conservative but secular positions.

There is another point I made earlier, one that is particularly relevant here. It concerns the role of political parties in the political process. Political parties, I argued, are peculiar entities. They are neither wholly of the state nor wholly of the citizenry. They are specific political organisations, neither fully like voluntary associations nor like state institutions, and their role can best be described as that of a bridge between the formal and the informal public spheres. This is a particularly important role in liberal democracy. It vests political parties with a large degree of legitimacy, a legitimacy which accords to them by virtue of their being the institutions they are, regardless of the specific form they take. This institutional aspect is missing from public reason approaches, focused as they are on the use of arguments, but it needs to be taken into account for a full analysis of religious political parties.

Religious political parties are political parties. As such they differ in relevant regards from other religious organisations which are not parties.<sup>9</sup> In contrast to religious individuals or religious organisations like churches raising their voices in the public spheres, religious political parties are legitimised, like other political parties, by the public support they enjoy as (legally registered) parties. Democratic legitimacy is even greater if religious political parties are voted into parliament. If a religious political party is elected by a significant part of the population, with a share of votes large enough to give it an edge over its competitors, then religious politics corresponds to the political needs and interests of a segment of the population; and

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<sup>9</sup> See also the short but informative discussion in Bader 2007, p. 146f.



a core principle of pluralist democracy is to represent the population in all its diversity.<sup>10</sup> By forming a political party, a religious group has also acknowledged, at least for the time being, the necessity of differential principles of organisation in the private and public spheres.

When discussing the issue of tolerating religious parties, it is therefore important to recall that religious political parties are indeed political parties, in so far as they fulfil the legal conditions for political parties, take part in elections, compete for votes, send representatives to parliament and participate in political processes, bodies, and discourses in their capacity as parties. In contrast to interest groups and voluntary associations, they not only strive to facilitate communication between like-minded people and represent their members' specific interests, but to be part of the formalised structures of political power. In this capacity, they are protected by the freedoms of political association and speech. Many states also consider it their duty to contribute to the free development of political pluralism and a thriving public sphere, of which the public funds for political parties can be considered part. Political parties are to a certain extent protected by the principle of popular sovereignty, which is the narrowest and arguably least contentious core of democracy. This means that if parts of the population vote for a religious party without any sign of force or manipulation, this is a democratic outcome of an election.

#### **7.4 Are religious parties special?**

Religious political parties are political parties, but they are also religious. It might be the case that because they are religious, religious political parties are in some and maybe in important respects not like other political parties. Nancy Rosenblum has suggested that it is the associational nexus between religious political parties and religious social groups which lends religious parties their unique character: "By means of the associational nexus religious parties integrate political activity with social and spiritual life. Seen as part of this web of associations with overlapping affiliations, religious parties appear more like membership groups than other parties" (Rosenblum 2003, p. 33). As Rosenblum herself says, however, such an associational nexus also characterises many labour parties.

In a recent publication, Rosenblum has suggested that religious political parties are extremist because they fail on the counts of what she considers the ethics of

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<sup>10</sup> I am not claiming that religious parties are necessary for the expression of religious cleavages; nor am I precluding the possibility that the presence and activity of religious parties plays a part in enhancing and shaping religious cleavages and their salience.

partisanship: the disposition to be inclusive in terms of winning over a large section of the population; the provision of a comprehensive narrative about social and economic matters and the public good; and the disposition to compromise with fellow partisans (Rosenblum 2008, pp. 356-361). Extremism as a violation of these principles consists of “the failure to take responsibility for mobilizing voters” (ibid., p. 372). Extremist parties are characterised by single-mindedness and distinguished from centrist parties.<sup>11</sup>

This applies neither to denominational mass parties nor to most orthodox parties. They aim at winning over a large section of the population, provide comprehensive narratives about social and economic matters and the public good, and have no major difficulties compromising with fellow partisans. Fundamentalist religious parties may differ on this account, for their strictness, theocratic views and commitment to a certain interpretation of religious texts limits the degree to which they can or want to appeal to a large section of the population and are able and prepared to engage in compromise. Even then, however, it is not clear why Rosenblum considers the failure to aim for mass support such a cardinal vice. According to her account, parties have to be catch-all parties, but it is not evident that this is the only democratic orientation for a party. Democratic politics have long been familiar with single-issue parties, which also fit Rosenblum’s characterisation of extremist parties. The Netherlands, for example, has recently witnessed the emergence of a party for animal rights (*Partij van de Dieren*). Throughout Europe, Green parties were originally environmental one-issue parties: only in the course of time did they broaden their programme to include a comprehensive list of social and economic issues. Single-issue parties signal insufficient political attention to a socially relevant topic; they can represent an interest that is inadequately represented. In the case of single-issue parties, their electoral appeal, their inclusiveness, is limited by the limits of their issue; in the case of fundamentalist religious parties, their inclusiveness is limited by a certain religious doctrine. Fundamentalist religious parties do offer a comprehensive narrative about social and economic issues, they have a clear notion of the public good, and they may or may not be disposed to compromise with fellow partisans. To label them extremist because they lay no claim to winning over a majority of the population is based on an excessively narrow interpretation of what a democratic orientation is.

If neither the associational nexus nor the limited appeal to the general electorate is what makes religious parties special, perhaps it is that religious parties by

<sup>11</sup> Even though Rosenblum claims that extremism as she defines it constitutes a violation of the ethics of partisanship, she also says that this violation does not justify the suppression of extremist parties.

their mere existence violate the separation between church and state. After all, religious parties, like churches, are based on faith, and they are dedicated not only to the public, but specifically to the *political* pronouncement of this faith. Yet, as I argued above, religious parties are neither like churches nor are they *of* the state. The separation of church and state is meant to protect the state from undue influence of the church, and the church from undue influence of the state<sup>12</sup>. The existence of religious parties has no influence on the matter and therefore does not violate the separation of church and state.

There is, therefore, no reason to believe that religious political parties as such differ in important respects from other political parties. Religious parties, like other parties, are fulfilling an essential role in representing citizens in terms of their procedural democratic legitimacy. They are legitimised by the support they enjoy in the population, a support which is formed and expressed through the normal channels of democratic opinion-formation and will-formation. This is a strong argument in favour of the toleration of religious parties, or rather, an argument against regarding religious parties as an instance of the need for toleration at all. If religious parties are like political parties, there is no basis for disapproval and therefore no need for toleration.

## 7.5 Internal democracy, external democracy and toleration

So far, I have discussed religious political parties in general, focusing on the institutional aspects of what kinds of entities parties are and whether there are differences of type between religious and other parties. Having answered these questions in the negative, I now turn to those features of religious parties that raise problems for liberal democracy and justify regarding the problems in terms of toleration. Such issues do not characterise religious political parties in general, but they may characterise specific religious political parties and groups of parties. Two issues can be distinguished: first, how religious parties relate to liberal democratic principles in their own organisation (internal democracy); second, how religious parties relate to liberal democratic principles in their aims, programmes, and actions (external democracy).

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<sup>12</sup> On the separation of church and state see, for instance, Bader 2003b and Fox 2006, as well as chapter 3, section 3.4 above.

### 7.5.1 Internal democracy

Liberal democracy champions pluralism. It is, however, a matter of discussion whether all organisations in liberal democracy should be made to express and foster pluralism in their own organisations. Take as an example the SGP (for details of this case see below, section 7.6). Until recently, the SGP did not admit women as party members, on the basis of an interpretation of the Bible according to which women are not suited for public life. Or take the CU. In 2007, a member of the city council of Amsterdam of the CU claimed that homosexuality was an abomination and suggested that practicing homosexuals should not be allowed to occupy executive functions within the party or be candidates for the party for public offices. Even though the CU declared not to share that view, the question remains how liberal democracies should deal with religious political parties which, on religious grounds, discriminate against women and homosexuals in their internal organisation.

The issue of internal democracy in voluntary associations is an issue demanding that two competing principles be weighed, both of which can legitimately be called democratic: on the one hand the principle of equality and equal rights, norms that should not be merely formal but expressed in civil society and the public realm; on the other hand, the norm of free association that allows people to organise as they see fit in association with like-minded people; and the freedom of religion protecting the practice of one's religious belief. The question is, then, whether a liberal democracy should uphold and enforce the principle that "the internal life and organization of associations mirror liberal democratic principles and practices" (Rosenblum 1998, p. 36). This question has repeatedly and extensively been discussed in multicultural theory,<sup>13</sup> and while it would go beyond the scope of this chapter to trace the discussion in all its detail and complexity, the most important considerations should briefly be discussed.

One is the matter of alternatives. The more alternatives there are, and the more viable and readily available these alternatives are, the stronger the claim an organisation has to discrimination. In the case of religious parties in liberal democracies, there are always alternative parties, even though their attractiveness can be limited by denominational differences or other factors.

But alternatives are not the most important thing. Consider the case of the Catholic Church and its exclusion of women from the priesthood. Even though Catholic women who aspire to be priests have no reasonable alternative (if one assumes that changing faith is too radical an alternative for someone as committed to a certain

<sup>13</sup> See, for example, the discussions in Gutmann 2003; Kymlicka 1989; Spinner-Halev 2000.

belief as an aspiring priest), it is not appropriate to call for government to interfere with the regulations for ordination in the Catholic Church. Two considerations are important here. One is that the Catholic Church is essentially a private organisation as well as voluntary and has no share in the coercive power of the state. The other is that excluding women from the priesthood is an element of the Catholic Church's identity, part of what makes it a community of like-minded people. I am not arguing here that it is a central or vital element. It has repeatedly been suggested that a voluntary association should be permitted to discriminate if discrimination is necessary to maintain the identity of the association, that is, if it is vital to the organisation's purpose (Gutmann 2003, p. 200; Spinner-Halev 2000, p. 173). The difficulty with this approach is that it makes it the proper task of outsiders – judges, politicians – to decide what is central about the beliefs and values of an organisation and what is peripheral (Rosenblum 1998, p. 89). It could very well be that the notion of core and peripheral practices and beliefs is mistaken, or at least of little benefit; it makes more sense to assume that like-mindedness is constituted in a network of practices and ideas rather than a concentric ordering of more and less important contents of belief. In any case, being able to practice one's belief in communion with like-minded citizens is a great good and protected by the freedom of religion.

Which side one takes in the argument between the freedom of association and religion and the value of equality in all realms of public life ultimately depends on the notion of democracy one embraces. Procedural and associative notions of democracy will be amenable to extensive freedom of association; substantive notions of democracy and notions of militant democracy entail narrow limitations to associative freedom. With theories of public reason, I favour a procedural notion of democracy, and the viewpoints developed in the previous chapters suggest a larger degree of freedom of association for religious parties. Religious parties have an important role to play in representing religious citizens, and if the party members decide on the basis of their religious beliefs that they want to exclude certain groups of people from their organisation then the state should tolerate internal discrimination. The issue, though, is one of limited reach: one can decide not to allow a party to discriminate against women or homosexuals while still tolerating the existence of the party as such.

### **7.5.2 External democracy: government promoting faith and theocracy**

Apart from internal principles and regulations, religious political parties have policies and principles formulated for the polity in party programmes. These policies and principles are the political aims of the parties, towards which their polit-

ical activity is geared. In contrast to internal democracy, these aims concern not only the members of the parties themselves but are meant to be valid for the wider society and the political system. If religious political parties pose problems for liberal democracy, and raise the issue of toleration, then these problems are to be found in the realm of their policies and principles. In these instances, the reach of toleration is wider: if a state decides not to tolerate the aims of a party, then this decision puts into question the right of the party to exist.

Most religious political parties pursue aims and policies that are conservative. As I argued in chapter 4, however, conservative positions are legitimate positions, and religious political parties cannot be declared illegitimate simply because they defend conservative positions. The pursuit of conservative positions is perfectly compatible with liberal democracy. Some religious political parties, particularly those closer to the fundamentalist end of the spectrum, may defend not only secular conservative positions but religious positions. They may, for instance, want to make prayer obligatory in public places like state schools or political assemblies. Such religious positions violate rights and freedoms standard in liberal democracy, most prominently the freedom of religion. Some of the questions related to religious positions can be thorny – how about, for example, placing crucifixes in public schools? – but they are not intractable because they move within the rights-oriented framework of liberal democracy. At the same time, they raise questions about state neutrality, a topic to which I will return below.

There are other problems which religious political parties raise for liberal democracy which fall outside of the purview of constitutional rights and liberties and are therefore somewhat more difficult to analyse and judge. The first is the demand particularly of orthodox and fundamentalist parties that government should have a role in promoting faith. The second, and more problematic, is the rejection of popular sovereignty and the pursuit of theocracy.

To begin with the first, the demand that government should have a role in promoting faith. This is not to be confused with so-called neutrality as even-handedness (see, for instance, Carens 2000). According to neutrality as even-handedness, which contrasts with hands-off neutrality, public support for religious and cultural identities is desirable as long as it is even-handed, that is, does not privilege one form of identity over others. Neutrality as even-handedness is neutral in that it does not require – in fact, does not allow – the state to take a stance on the truth or worth of some identities as compared to others. The state does not support the truth claims of religious and cultural groups, but the free and unhindered exercise and expression of one's religious and cultural identity. This is not what those religious parties demand that ask government to play a role in promoting faith. They demand that the

state take a stance with respect to the truth claims of religion. In promoting faith, the government commits itself to a certain interpretation of religious texts. If, for example, the Dutch government undertakes to promote orthodox Protestantism, it needs to take a stance on the existence of the Christian God (incompatible with atheism or other religions like Buddhism and Islam), on the notion of evil in orthodox Protestantism (covering, for instance, homosexuality and abortion), and, implicitly or explicitly, on the truth of the orthodox Protestant version of religion. Even if the promotion of faith by government is accompanied by individual religious freedom and the protection of minority rights, the promotion of faith by government violates the liberal democratic principle of state neutrality, according to which the state, and with it government, should not take a stance on religious issues.

The idea that the state should not take a stance on religion is sometimes described with the term *secularism*. In current political philosophy, though, that term is negatively connoted and the notion is rejected by many contemporary philosophers as misguided, impossible or analytically useless.<sup>14</sup> Moreover, it has been observed that the status of secularism in liberal democracy is unclear. It is not a constitutional principle, nor is it commonly used to define liberal democracy (Mersel 2006, p. 85; Rosenblum 2007, p. 59). It is, therefore, perhaps better to choose another theoretical framework that is able to explain what is wrong about government promoting faith. Public reason theories have, as I already argued, provided such a framework. While, as I claimed, they are wrong in asking citizens not to use religious arguments, they are right in pointing to the need for judges and members of the executive to exercise self-restraint with respect to religious arguments. Asking government to promote faith means asking government officials to base public policy on religious arguments. And that, in turn, means asking government to exercise its legitimate, coercive power on a religious basis, a basis which is not accessible to all citizens.<sup>15</sup> Asking government to promote faith, then, is a violation of state neutrality in the sense indicated by theories of public reason: it is the exercise of the coercive power of the state on the wrong basis. Where religious political parties raise such demands, questions of toleration arise: religious political parties then favour a use of the coercive power of the state that is illegitimate from the viewpoint of liberal democracy.

The second problem arises if religious political parties reject the notion of popular sovereignty in favour of the sovereignty of God or support the introduction of a

<sup>14</sup> See, for instance, Stepan 2000; Bader 1999; 2009.

<sup>15</sup> On the notion of accessibility, see chapter 1, section 1.4; on the notion of coercion, see chapter 3, section 3.6, and on the duty of judges and executive officials to exercise self-restraint, see chapter 6, section 6.3.

theocracy. The support of theocratic government is a defining feature of fundamentalist parties; the rejection of popular sovereignty is a milder version thereof and is supported by some orthodox parties.

Parties like the CU that claim that government exercises its office by the grace of God posit that the state and its authority are not founded on the sovereignty of the people but on God's will. Popular sovereignty is the minimal core of each definition of democracy, putting the notion that government is based on and legitimised by the sovereignty of the people at the very heart of democratic government. In principle, the two notions are incompatible. Government is either based on the sovereignty of the people or on the sovereignty of God. Democracy, though, is more than the sovereignty of the people. It is also defined by the existence of a number of political processes and rights such as the right to form and join organisations, the right to free speech, the right to vote and stand for public office, and the existence of free and fair elections. These rights and processes are logically related to and deducible from the idea of popular sovereignty, though a regime is possible in which the democratic rights and processes are guaranteed but are not justified by reference to popular sovereignty but, for example, by pointing to the will of God. Religious political parties may claim, for instance, that God has created government and made it democratic because, as in the reasoning of the CU, democracy is a safeguard against sinful government officials. In this way, the rejection of popular sovereignty can go hand in hand with a defence of democratic rights and procedures. Still, though, the incompatibility between the two founding principles should not be underestimated. Imagine that a party advocates the appointment of a strong leader with absolute powers. The party is strongly committed to democratic rights and procedures but believes that democracy is too vulnerable without the existence of an independent leader who cannot be held accountable by government or the people. Surely such a proposal would be rejected as undemocratic, not only because there is always the possibility of the leader misusing his power, but because democracy is a system in which there is no power beyond its purview. The same applies to a democracy under the power of God. Atheist liberal democrats and liberal believers may feel that there is no danger of God misusing His power or coming down to earth to take matters into his own hands, but the principle remains the same. A democracy controlled, even if the controlling hand is invisible, is not a democracy in the core sense of the word: it is not a system based on popular sovereignty.

It is possible to reject popular sovereignty and still embrace democratic rights and procedures, but there are also religious political parties that reject popular sovereignty and demand a role for faith in politics that is incompatible with a guarantee of democratic rights and procedures. Extreme cases of such visions of political sys-



tems based on faith and organised around it are theocratic systems. In theocracy, usually taken to mean a political system in which government is based on the word of God, government is exercised by personal incarnations of God or his individual (think of the Pope) or institutional representatives on earth. Government hierarchies are subject to or dominated by religious hierarchies. Democratic rights and procedures either do not exist or only in so far as they do not contradict the religious norms and hierarchies. Theocratic government is an alternative to democratic government and not compatible with it. Theocracy as the aim of a fundamentalist religious party is directed at a change of systems. Theocratic government violates democracy not only in its most minimal definition but also in its wider meaning as a system of democratic rights and processes. As such, it likens fundamentalist religious parties to other anti-democratic parties such as revolutionary Marxist parties. Theocracy, it should be noted, is not the same as an imperfect separation of church and state. As has repeatedly been noticed, almost no country in the world has a strict separation between church and state, including the Western liberal democracies (e.g. Fox 2006).<sup>16</sup> Still, the Western liberal democracies are not theocratic countries. They have institutional relationships with one or more churches – think of the German government collecting church taxes – and some have established churches, but none has an official privileged role for religious institutions or persons in formulating or influencing government policy.

The above discussion has identified two instances of aims of religious political parties conflicting with liberal democracy. Not all religious parties have such aims, but where they do, they violate liberal democratic principles, or so I argued. First, the demand that government should promote faith conflicts with state neutrality as interpreted from the viewpoint of public reason as the use of state power on a non-religious basis. Second, the rejection of popular sovereignty means the rejection of the core principle of democracy, the sovereignty of the people. Where rejection of popular sovereignty goes hand in hand with a call for theocratic government, it conflicts with democracy as a set of democratic rights and processes by which the exercise of political power is derived from the will of the people. Where religious political parties are thought of as objects of toleration, it should be in these two respects. This also shows that not all religious political parties should be considered possible objects of toleration, for denominational mass parties generally do not raise any of these concerns. Orthodox parties do, for they often reject the notion of popular sovereignty, and fundamentalist parties do, for they aim for theocratic government.

<sup>16</sup> Incidentally, this is not an argument against the desirability of the separation of church and state. World peace does not exist either, nor will it in the foreseeable future, but it is still an ideal that it is worth aspiring to.

Toleration has been established as the appropriate way of framing the question for orthodox and fundamentalist parties with aims as those described above, but the answer is still open: should religious political parties that conflict in one of the two respects with liberal democracy be tolerated? The answer depends not only on the precise nature of the violation – the above has been an abstract discussion and needs to be detailed for every party under consideration – but also on the extent to which these parties pose a real threat to the existence of the democratic system. Only fundamentalist religious parties with theocratic leanings pose a danger to democracy, in so far as they have the means of attaining their goal. The few fundamentalist religious parties in Western liberal democracies, though, are too small and not powerful enough to achieve an overthrow of the democratic system. The danger that they pose to the system is small, and this speaks in favour of their toleration. It should be taken into account, though, that fundamentalist religious political parties are potentially more dangerous to the democratic system than religious groups with the same viewpoints that are not parties. This is because political parties have access to the formal public sphere and strive not only to influence politics, but to gain a share of the coercive power of the state.

### 7.5.3 Toleration and the liberal mainstream

While the toleration of anti-democratic forces has received ample discussion in political philosophy<sup>17</sup>, the framework presented by Jeff Spinner-Halev in *Surviving Diversity* (Spinner-Halev 2000) stands out for its thoroughly pluralistic stance on religious conservatives. Spinner-Halev emphasises that religious conservatives (he does not address religious parties, but religious believers in general), that is, believers who do not want to live a life of full autonomy but prefer to subject themselves to the authority of their church or religious leaders, do make a conscious choice about how to live their lives and liberals should respect them for that. Spinner-Halev argues that in Western liberal democracies there is a broad liberal mainstream that upholds, as it were, liberal democracy. This mainstream propounds that lives should be led autonomously, and through its existence constantly reminds religious conservatives of their difference (ibid., p. 25). The liberal mainstream is inclusive and ensures that religious citizens have a choice to make between living a liberal life and following an illiberal faith. Thanks to this broad liberal mainstream, liberal democracies can tolerate small groups that are not democratic and liberal, for they are forced to make conscious choices about their lives, and because there is not much

<sup>17</sup> See, for example, Forst 2004; Galeotti 2002; Horton 1993; Jones 2006; Mendus 1989; Quinn 2001.

reason to fear that religious groups will alter the nature of the political community. Spinner-Halev thus advises: "Liberals who are concerned about religious conservatives should worry less about their threat to liberalism and more about the state of liberal society" (*ibid.*, p. 214).

Spinner-Halev's discussion differs pleasantly from other philosophical treatments, which distinguish between unproblematic liberal or progressive religion and problematic conservative religion (see chapter 2). Spinner-Halev's framework, in which toleration is framed in social rather than exclusively political terms, can be used to assess the claims to toleration of fundamentalist religious parties, and it is also instructive as to how orthodox religious parties should be dealt with, parties that do not pose a direct danger to the existence of democracy but can come into conflict with its principles.

In liberal democracies, fundamentalist but also orthodox religious parties are small organisations which exist next to and in spite of a broad liberal mainstream. That mainstream is made up not only of other political organisations – other political parties – but also of citizens, as voters and participants in processes of (informal) opinion formation. In contemporary liberal democracies, fundamentalist and orthodox religious political parties operate in an environment in which liberal democratic principles are not contested and political pluralism is upheld not only by the state, but also by the majority of political parties and the majority of citizens.

Under these conditions, banning religious parties would do more harm than good.<sup>18</sup> This is certainly the case for orthodox parties, for they do not pose a direct threat, but also for fundamentalist parties. Apart from the legal hurdles that make the banning of parties difficult in many countries, such a drastic measure could alienate the segment of the population represented by the religious party. Given that interference comes at such a cost, the principle of "*minus malum toleratur, ut maius tollatur*" applies: tolerating religious parties is less harmful than banning them. Apart from banning, democratic states and other parties have a range of other options at their disposal, from expressing disapproval to denying state funding. Which option is best depends to a great extent on the given circumstances.

Applying Spinner-Halev's framework for toleration to the above discussion of arguments in favour of and against tolerating religious parties tips the balance in favour of toleration. However, definite conclusions can only be drawn after investigating the peculiarities of specific religious parties, especially fundamentalist ones, as they are the most problematic. Their particular programme, leanings, the means they employ, their relative strength and relation to the liberal mainstream as well as

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<sup>18</sup> On banning religious parties, see Rosenblum 2007.

other factors all need to be taken into account. In what follows, I discuss the particularly interesting case of a Dutch theocratic party, moving from a *pro tanto* conclusion in favour of toleration to an overall conclusion in a specific case.

## 7.6 The Staatskundig Gereformeerde Partij (SGP)

Founded in 1918 as a split-off from the ARP, the Political Reformed Party, the *Staatskundig Gereformeerde Partij* (SGP) in Dutch, is the oldest political party in the Netherlands. With a constant presence in parliament since 1922, the SGP has never had been more than a marginal opposition party, occupying one but more often two to three seats in the Lower House (consisting of 100 seats until 1956 and 150 thereafter).<sup>19</sup> In comparison to its seats in parliament, the membership base of the SGP is disproportionately strong and, in contrast to a trend among the larger parties, has seen considerable growth, from 10,000 members in 1945 to almost 27,000 in 2009 (Documentation Centre Dutch Political Parties, SGP). In terms of membership, this makes it the fifth party in parliament, whereas in terms of seats it only occupies a (shared) ninth position. The CU has slightly fewer members and currently occupies six seats in parliament.

The voters and supporters of the SGP are to be found predominantly in what is called the Bible Belt, an area stretching from the South-West of the Netherlands to the North-East with large settlements of pietistic Dutch Calvinists (*bevindelijk gereformeerden*). This group, one of many in the fragmented Dutch Protestant movement, is characterised by its strict adherence to the Bible as the word of God and its conservative leanings, opposing abortion, euthanasia, and work on Sundays. Some of the communities also reject modern amenities like cinemas and television and hold that women should not wear trousers. While the pietistic Dutch Calvinists form a distinctive, closed group whose culture and way of life differs considerably from the liberal Dutch mainstream, they are politically not isolationist.

The party programme of the SGP is explicitly founded on the Bible as the word of God. It is also explicitly theocratic. It states that the party aspires to a political order based on the word of God. It maintains that the governing authorities are God's servants and contrasts the sovereignty of God with the sovereignty of the people: "Government rules by the grace of God [...]. It therefore does not derive nor can it ever derive its authority from the people. Nonetheless government exercises its duties

<sup>19</sup> The Dutch system is a bicameral system. The SGP has been represented in the Upper House, with one interruption, since 1956, with 1 to 2 out of 75 seats.

with the cooperation of the people. Cooperation is attained by assigning the right to vote" (Staatkundig Gereformeerde Partij, *Program van Beginselen*, art. 8).

The SGP maintains that government serves God and is unconditionally subject to His word (ibid., art. 3). In line with its view of government authority as serving God, the SGP demands the state must play an active role in pursuing religious principles in the public sphere. Among other things, the party is critical of female suffrage and posits that every act of emancipation that denies the God-given role of the man to lead the woman should be firmly resisted (art. 7). Government should ban from public life propaganda exhorting unbelief, false religions and anti-Christian ideologies (art. 4); the desecration of Sundays and the misuse of the name of God should be made punishable offences (art. 5). The SGP advocates the introduction of the death penalty (art. 13) and the abolition of cremation and mandatory vaccination (art. 21).

In public debate in the Netherlands, the SGP has attracted critical attention not for its commitment to theocracy but for its membership policy on women. Until recently, the SGP statutes had stipulated that women could not become full members of the party but only acquire a limited membership status that excluded them from voting in party matters. The Clara Wichmann foundation in cooperation with nine organisations with similar goals sued the state for paying state funding for parties to the SGP, a political organisation that discriminates against women.<sup>20</sup> In September 2005, the district court of The Hague (*rechtbank*) decided in their favour. It ruled that the party regulations concerning female membership constituted a breach of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. The court decided that the SGP therefore did not qualify for state funding of parties and ordered the state to discontinue the payments.<sup>21</sup> The court reasoned that the case was not about the interests of female SGP members but about the general interest of citizens, especially women, in living in a democratic society where discrimination on the basis of sex is not tolerated (Rechtbank 's-Gravenhage 7 September 2005).<sup>22</sup> In June 2006, the SGP decided to allow women to become full party members. Women are, though, still excluded from executive positions, such as in local councils or parliament.

The Dutch state and the SGP appealed against the decision to the higher court in The Hague (*gerechtshof*). In December 2007, the higher court confirmed the district court's view that the state is obliged to take action against the SGP. The court

<sup>20</sup> Significantly, legal proceedings were *not* instituted by female supporters of the SGP wishing to become members

<sup>21</sup> According to press reports, the monetary loss to the SGP amounted to about 800,000 euros per annum (Trouw 18 November 2005).

<sup>22</sup> For a critical discussion of the ruling see Davies 2006.

also stated, however, that it was outside of its remit to impose on the state a certain way of doing so. It therefore ruled that the state cannot be ordered to discontinue state support for the SGP (Gerechtshof 's-Gravenhage 20 December 2007). The Clara Wichmann foundation has also submitted a case against the state to the supreme court (*Hoge Raad*). It is expected to rule in April 2010 whether the Dutch state should take action against the discriminatory membership rules of the SGP. The SGP had submitted a case against the state to the highest administrative court in the Netherlands, the council of state (*Raad van State*), concerning the discontinuation of state subsidies. The council of state ruled in December 2007 that internal discrimination against women was not sufficient to deny state funding to the SGP (*Raad van State* 5 December 2007).

The case of the SGP membership rules poses the problem of toleration in a more complex variant. On the basis of earlier claims made in this chapter in favour of the right of associations to discriminate against their own members, toleration should be recommended. The SGP should be allowed to discriminate against women in their membership policy. It seems that the SGP is criticised for discrimination not primarily by their own female adherents but by the wider public, the liberal mainstream. And there would indeed be something paradoxical about female supporters of the SGP asking the courts to force the party to admit them as members. After all, the membership rules of the SGP flow directly from its interpretation of the Bible on the role of women in public life. The standpoint on this issue is part of the religious beliefs of the SGP, and religious beliefs is what the SGP is about. The party can expect a woman who shares the religious beliefs of the SGP – which is a reasonable condition for membership – not to *want* to become a member, for the party can expect her to share the view of the SGP on the role of women in public life. Thus a woman who wants to become a member of the SGP thereby indicates not to support (an important part of) the religious beliefs of the party. The SGP could therefore reasonably consider her unfit for membership.<sup>23</sup>

It is one thing to argue that the SGP should be allowed to discriminate against women in their membership policy but quite another to decide whether or not the state should withdraw financial support. The SGP is a political party and eligible for state support; there have to be strong reasons in order to exclude the SGP from a payment to which other parties have access. I do not believe that the state is guilty

<sup>23</sup> One can also frame this question in the terms of the politics of recognition (e.g. Galeotti 2002; Taylor 1994). From that perspective, women have a claim to equal recognition not only vis-a-vis the state, but also vis-a-vis social groups and political organisations (van der Burg 1998). I believe, however, that if there is a right to recognition, the SGP also has such a right to recognition by virtue of representing a religious minority, resulting in a checkmate of recognition claims.

of supporting discrimination if it does not exclude the SGP from state subsidies for parties. State subsidies are paid in recognition of the important role of political parties in liberal democracy; the SGP receives them not as an appreciation of what it stands for but by virtue of being a political party. Only if the state began to interfere with the internal organisation of parties would state support for parties become related to what they stand for rather than to the role they have in democracy. In that case the state would adopt a responsibility in making parties internally democratic, a responsibility, I believe, it should not have and cannot live up to. This is because internal regulations tend to be related to a party's viewpoints, and state involvement in internal regulations would mean state involvement in parties' viewpoints.<sup>24</sup>

## 7.7 Religious politics in Dutch history and political philosophy

To analysts not familiar with the history of religious politics in the Netherlands, the SGP may seem like a very strange phenomenon indeed. A look at the history of religious politics in Dutch history, however cursory, will show that the SGP is embedded in a tradition of religious politics in which it can appear as "a nationally cherished antiquity" (Daalder 1966, p. 226).

In political science, the Netherlands has been famous for its consociational form of government and the Dutch system of pillarisation (*verzuiling*), a system of social as well as political segmentation according to lines of religion and secular ideology. Two of the three pillars that can be distinguished (see Lijphart 1990, ch. 2) were religious: a Protestant and a Catholic pillar existed alongside a secular (socialist and liberal) one. This already gives an impression of the prominence of religion in Dutch history. The pillars were first and foremost social groups but pillar membership coincided to a large degree with party support for the large parties: the KVP for the catholic pillar, the PvdA (*Partij van de Arbeid*, labour party) for the socialist part of the secular pillar, the VVD (*Volkspartij voor Vrijheid en Democratie*, party for freedom and democracy) for the liberal part of the secular pillar, and the ARP and the CHU for the Protestant pillar (ibid.). There were also a number of smaller parties, amongst which the SGP and another Protestant religious party, the GPV (*Gereformeerd Politiek Verbond*, Reformed Political League), both rather more conservative and orthodox than the larger Protestant parties. Pillarisation has, however, characterised the

<sup>24</sup> This is the case not only with religious parties. Imagine that a party for the elderly decides not to admit anyone younger than 50 years of age as a member, reasoning that younger people do not sufficiently understand and can therefore not sufficiently represent the interests of the elderly. The issues in this case are similar to those in the case of the SGP.

Dutch system not, as may be thought, for most of its history but mainly in its heyday between 1917<sup>25</sup> and the general elections of 1967<sup>26</sup>.

Religious politics in the Netherlands is older than pillarisation itself and has not ended with the increasing disintegration of pillars since 1967. Moreover, religious politics in the history of the Netherlands should not be seen as a history of continuous decline of Dutch Christianity (van Rooden 2002). Between 1888 and 1913, religious parties altogether accounted for 40 to 60 seats of the 100 seats of the Second Chamber (Daalder 1966, p. 202). For a long time after 1918, religious parties continued to command a majority of seats (*ibid.*, p. 201). Between 1918 and 1967, the three religious parties KVP, ARP and CHU occupied half or more of the seats in the Lower House (van Holsteyn and Irwin 2000, p. 75). This powerful influence wielded by religious forces in politics – forces which, moreover, have been strongly polarised not only in terms of the distinction between Protestantism and Catholicism but also between different Protestant denominations – has nevertheless not led the Dutch system to disintegrate. The remarkable stability of the Dutch system has been ascribed, *inter alia*, to the fact that power resources have been distributed among a number of groups, none of which has ever been strong enough to entertain hopes of sole government. Dutch pluralism has long been characterised by mutual tolerance and little militancy (Daalder 1966, p. 216).

In terms of the Dutch citizens' religiosity, the large number of religious parties mirrors a tradition of religious variety. While church membership is low, sociologists have observed a growing number of religious groups (Janssen 1998) and religious activity (such as praying) remains widespread (Janssen, Kregting and Bernts 2006). Since the 19th century, Calvinist Protestantism in the Netherlands has known the distinction between *gereformeerd* and *hervormd*, both words meaning reformed. Most believers of the *gereformeerd* and *hervormd* are now united in the *Protestantse Kerk in Nederland* (PKN), the Protestant Church of the Netherlands, founded in 2004.<sup>27</sup> Still, where supportership of religious parties is concerned, the distinc-

<sup>25</sup> The date of the pacification, a historical compromise between the religious and secular forces on a number of issues, amongst which prominently the contentious school issue. The religious groups succeeded in their struggle for equal financing of confessional schools while maintaining control over the curriculum. "Ideologically, the ghettos took over the nation", pillarisation has been characterised by one commentator (van Rooden 2002, p. 12).

<sup>26</sup> The general elections of that year heralded in fundamental shifts in the Dutch party system as a consequence of the diminishing binding power of the pillars. Since then, a change of tone has been noticed in Dutch politics, one of polarisation and confrontation rather than cooperation. See Lijphart 1990, pp. 18-24. As Lijphart observes (in the revised edition of the book from 1990), the changes observable in the mid-1960s have indeed been the beginning of a fundamental shift in Dutch politics that, even though not as rapid recently as it used to be, still shapes Dutch politics.

<sup>27</sup> Next to these two currents there are a number of other Protestant groups in the Netherlands, such



tion between *gereformeerden* and *hervormden* remains relevant. Within the group of the *gereformeerden* one can distinguish the orthodox *gereformeerden* and the *bevindelijk gereformeerden*, the latter including the followers of the SGP (see, also for what follows, Bernts, de Jong and Yar 2006). Both groups are conservative in their religious beliefs. The orthodox *gereformeerden* are culturally speaking somewhat more modern and politically represented by the CU. Both groups have only male ministers. According to surveys, Dutch citizens are disproportionately tolerant of religious leaders influencing voting behaviour and government policy (de Hart and Dekker 2006, p. 143). Over the last forty years, the percentage of Dutch citizens who oppose confessional political parties rose from 38 percent in 1971 to 61 percent in 1994 but then fell again to 42 percent in 2002. In the same year, a higher percentage of Dutch citizens (54 percent) were in favour of confessional parties (ibid., p. 146).

In Dutch political philosophy, the religious past and present of the country are an important topic. Orthodox Protestantism is discussed, but attention is increasingly focused on new religious minorities, particularly Muslims. Pillarisation is still an important frame of reference and the toleration practiced in accommodating religious difference is praised as characteristic of the Dutch political climate, but there is disagreement as to what kind of toleration Dutch toleration is: a Rawlsian compromise in accordance with political liberalism (e.g. Maris van Sandelingenambacht 2002), or a thicker, inclusive version, based on ample space and even-handed support for religion in the public sphere (van der Burg 2004, Pierik 2002). It seems that the history of religious politics in the Netherlands supports the latter interpretation. Religion in the Netherlands is by many people not expected to be a private affair but is granted a role in the informal and formal public spheres. The position of the SGP in Dutch society should be seen and understood in this context. Allowing religion to play a role in the public sphere may have had a number of advantages in the Dutch case (see van der Burg 2007), but only because the SGP is accepted does not mean that its aims are not problematic. The SGP is, after all, a fundamentalist party in the sense defined above. It denies popular sovereignty and strives for a theocracy. It also demands that government play a role in promoting faith, for example by banning from public life propaganda exhorting unbelief, false religions and anti-Christian ideologies.

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as pentecostalism, evangelicalism, and more liberally minded Protestants, the *vrijzinnigen*, including Mennonites (*doopsgezinden*) and Remonstrants (*remonstranten*).

## 7.8 Is the SGP an anti-system party?

As I argued above, a religious political party such as the SGP may conflict with liberal democracy without posing a danger to it. However, as a political party it is potentially more dangerous than religious organisations without a formal role in and access to the formal public sphere. As a party striving for theocracy, the SGP an anti-democratic party at least in the narrow sense of rejecting popular sovereignty, but a party programme is not sufficient to declare a party a danger to democracy. Other features, such as its power to influence coalition forming or the means it is prepared to employ to attain its goals, play an important role in an assessment of the degree to which an anti-democratic party poses a threat to democracy. Such parties are referred to in political science parlance as anti-system parties (Sartori 1976, ch. 6).

The anti-system character of anti-system parties has two aspects (Capoccia 2002). The first concerns the ideological separation from other parties. The SGP is certainly situated at the fringe of the party system, yet the distance to the party closest to it, the CU, is quite close. With the SGP, the CU shares an orthodox Calvinist orientation, conservative ethical positions and an explicit reference to the Bible. The two parties cooperate in the European parliament and on the municipal level. In turn, the CU is relatively close to the CDA, a centre-right party with which it currently participates in a coalition government. While there are currently no other parties like the SGP in the Dutch political landscape, the existence of the CU and the CDA allows one to draw a line from the centre of Dutch politics to the SGP, reflecting the spectrum of religious politics in the Netherlands.<sup>28</sup>

The other aspect of anti-system parties is the ideological character of the party itself, measured in comparison to the democratic system and the party's distance from it. As shown above, the SGP rejects popular sovereignty in favour of a theocratic regime. This quite clearly positions it in opposition to the democratic system (Koole 1995, p. 171). The SGP rejects the core principle of democracy, but it is not clear whether the SGP would want to abolish democratic rights and processes, such as contested elections, universal suffrage, guarantees of civil liberties, elected governments. Given that the party programme remains silent on these issues, as does the party itself, this is difficult to assess. The past behaviour of the SGP in parliament has provided no evidence that the party may seek to abolish central democratic in-

<sup>28</sup> In the model of Dutch political scientists Kees van Kersbergen and André Krouwel of the Dutch political landscape, the CDA, CU and SGP are situated roughly in the same place in the left-right dimension (around the centre) but the CDA is closest to the centre on the progressive-conservative dimension, with the CU somewhat and the SGP far more to the conservative end (van Kersbergen and Krouwel 2008).

stitutions. Moreover, the party does not favour illegal or violent means to attain of their goals; rather, it has demonstrated its readiness to operate within the democratic system.

In parliament the SGP plays a marginal role. In terms of rhetoric, the party representatives' courteous style of speech stands out. Its members of parliament are emphatically polite and often begin their contributions by thanking the previous speakers for their contributions. SGP representatives also tend to emphasise the importance of complying with rules and procedures.<sup>29</sup> This attitude to the rules of the game reflects the adherence of the party to Romans 13:1, according to which there is no authority except from God. The authorities that exist are established by God and thus have to be obeyed. For the SGP this means that the democratic governments have been established by God and therefore deserve respect. In parliamentary debates, the SGP members do occasionally refer to the Bible and God when arguing for the party's position, but they also make use of secular arguments. In the debate on abortion, for example, held in the Lower House on 27 November and 16 December 1980, the representative of the SGP emphasised that his party considered the human embryo as human life and therefore held that it should be protected.<sup>30</sup>

The behaviour of the SGP representatives in parliament belies the picture painted in the literature on public reason or religious politics. The SGP does not display an unwillingness to debate its positions; far from being blinded by faith to the complexity of political issues, the party explicitly relates to other contributions in debates and responds to secular arguments posed by others; it does not seek to close debates by imposing its views but offers its position for debate. What is absent, though, from the contributions of representatives of the SGP is an attitude of fallibilism. The SGP demonstrates a firmness in its interpretation of God's will and has no doubt that it knows God's wishes about political issues. The abstract arguments I adduced in chapter 2 reappear in this practical example: an attitude of fallibilism is not necessary to a preparedness to participate in public debate, and to do so conscientiously and responsibly.

To sum up, if the term "anti-system party" is at all appropriate to the SGP, it is what Capoccia has termed an irrelevant anti-system party (Capoccia 2002, p. 24, 27f.). An irrelevant anti-system party is a party with an ideology and political goals

<sup>29</sup> See, for example, the debate in the Lower House on pre-implantation genetic diagnostics (5 June 2008) or on the anti-Islamic motion picture "Fitna" by the Dutch politician and member of Parliament Geert Wilders (1 April 2008). Transcripts of all parliamentary debates held since 1995 are available at <http://parlando.sdu.nl>.

<sup>30</sup> The contribution of the SGP to this debate as well as older debates on euthanasia and Sunday store openings are published in SGP 1988.

that conflict with democracy but situated at a relatively small distance from other parties in the system. Such a party does not exert polarising effects on the party system, cannot hinder or make more difficult coalitions, and has no veto power over legislation. All these features apply to the SGP. While the party is irrelevant with respect to the mechanics of the party system, it is certainly not irrelevant with respect to its political function as a representative of the pietistic Calvinist part of the population. It is therefore more appropriate to call the SGP an essentially harmless party.

## 7.9 The SGP at the local level

The assessment that the SGP is an essentially harmless party is predicated on the existence of a broad liberal mainstream, which provides for a thriving democracy. In the Netherlands this broad liberal mainstream is certainly present at the national level. On the local level, however, distributions of power are different. Especially in the municipalities of the Bible Belt, the broad liberal mainstream does not exist, or rather, it is no mainstream there but a minority. This radically changes the conditions under which the SGP functions. While its main function on the national level is to give a voice to the religious worldviews in the country, on the local level it makes decisions and changes rules and regulations.

As mentioned above, the supporters of the SGP as well as those of the CU are geographically concentrated in the small municipalities of the Bible Belt. In municipalities like Staphorst (province of Overijssel) or Urk (province of Flevoland), these two parties are so strong and their social backing so solid that their combined influence on local politics is considerable. In the municipal elections in 2006 in Staphorst, for example, the SGP received 31.4 per cent of all votes and the CU 25.3, together accounting for more than half of all votes and 10 out of 17 seats. In Urk the SGP gained 30.4 per cent and the CU 36.2, giving them together 11 out of 17 seats.

A documentary called “Staphorst in Tegenlicht” (Staphorst against the light)<sup>31</sup>, released in 2007, vividly demonstrates how a predominantly Christian population and a municipal council dominated by representatives of the CU and SGP create a political environment in which religious belief comes to dominate politics. The meetings of the municipal council, for example, begin with a prayer in which the Christian members of the council ask God to help them exercise their office in His name. When the closing time of pubs and cafés came up for discussion, the SGP in-

<sup>31</sup> The documentary is available from [www.rtvoost.nl/programma/programma.aspx?pid=304](http://www.rtvoost.nl/programma/programma.aspx?pid=304).

sisted on a closing time on Saturdays of 30 minutes to midnight, arguing that a closing time prior to the commencement of the holy day of Sunday was required by the word of God.<sup>32</sup>

Similar initiatives have been launched in other municipalities with a strong SGP presence, particularly in relation to store opening hours and recreation on Sundays. In July 2009, the local SGP in Elburg (province of Gelderland) demanded that cafés and restaurants should be closed on Sundays for religious reasons. In 2008, the local SGP in Katwijk (province of South Holland) tried to prevent the local swimming pool from opening its doors on Sundays, but failed.

In 2005, the municipal council of Staphorst adopted a change to the local ordinances which made the public misuse of the name of God in swearing an offence. The SGP and CU justified the ban on swearing by pointing to a purported decay of norms and values in society, manifesting itself in coarse language. The Christian parties left no doubt, though, about the Christian justification for the ban.<sup>33</sup> In the course of recent years other, predominantly Christian municipalities have also introduced<sup>34</sup> bans on swearing. It is worth noting that some mayors justify the ban by pointing to the Christian character of their municipalities.<sup>35</sup> The president of the CU in the municipal council of Ermelo said: "We think that Ermelo has to radiate to the world the duty to defend as sacred the name of God"<sup>36</sup>.

The fact that bans on swearing have been introduced in predominantly Christian municipalities demonstrates that the origin of the ban is not the intention to protect vulnerable minorities from a majority which fails to show respect for their minority concerns, but issues from a Christian majority that is powerful enough to impose its belief on dissenting minorities. As the SGP and CU municipal representatives have realised, the ban on swearing is incompatible with article 7 of the Dutch constitution, which protects freedom of opinion. The ban cannot therefore be enforced, as everyone accused of violating it can appeal to the constitution. Christian politicians prize the ban as a signal or symbol rather than a means to punish offenders.

<sup>32</sup> In the end, the opening hours were extended to 2 a.m., as the CU chose to side with the other parties against the SGP.

<sup>33</sup> Swearing is a significant topic for Dutch Protestants. The Association against Swearing (*Bond tegen het Vloeken*) actively campaigns against swearing. Defining swearing as the misuse of the names of God and Jesus, the association has been leading a large-scale, nationwide campaign. The Association, which derives its mission from the Bible, says that it is funded by the donations of about 30,000 supporters, churches, businesses and municipalities ([www.bondtegenvloeken.nl](http://www.bondtegenvloeken.nl)).

<sup>34</sup> Strictly speaking it is a reintroduction. It was only in 1986 that bans on swearing were abolished by Order of the Queen.

<sup>35</sup> A summary of the mayors' opinions is available from *Reformatorisch Dagblad* 3 April 2009.

<sup>36</sup> Mr Urbach: "Wij vinden dat Ermelo moet uitstralen dat de naam van de Heere dient te worden geheiligd" (*Reformatorisch Dagblad* 3 April 2009).

In the matter of toleration, the differences between the national and the local level raise insurmountable problems. If the SGP does not provide sufficient reason at the national level for the party to be banned, then its influence at the local level cannot be adduced as a reason for banning it, given that it pursues the same aims and policies on both levels. A party can be banned only nationwide, not exclusively at the local level: but there are insufficient grounds for a ban at the national level. The SGP is not a different party at the local level, but only there does it present a danger to liberal democracy. It demonstrates that it is prepared to exercise its share of the coercive power of the state on a religious basis. The violation of the freedom of speech as represented by the ban on swearing may be ineffective because of the way local law is embedded in national law, but it is indicative of a larger problem: the use of coercive state power on a religious basis.

### **7.10 Consequences for public reason**

The ban on using the name of God when swearing demonstrates a fundamental problem with tolerating religious politics, including the use of religious arguments in politics. An affirmative stance towards the ban on swearing (or Saturday pub opening hours) is a secular position and can be justified by secular reasons such as combating coarse language as part of the maintenance of public order. In the case of the Dutch municipalities, secular aspects of the ban were presented, but the religious motivation as well as explicitly religious arguments were clearly more important. While the ban could be embraced for secular reasons, it is difficult to imagine that these secular reasons would be sufficiently strong for a person to embrace such a measure. Their positions may be secular according to my definition, but they appear reasonable only to those who share the pietistic variant of Calvinism.

An adherent of a strict notion of public reason for citizens and politicians may want to respond to this problem by claiming that if religious arguments were not admissible in public discourse the problem would not have arisen. This answer falls short in one way, though. Given that the norms of public reason prescribe self-restraint, which cannot be legally prescribed and can be enforced only by social pressure if at all, the conditions for self-restraint with respect to religious arguments are not given in a municipality where the majority of citizens as well as politicians regard the use of religious arguments not only as legitimate but as prescribed by the Christian duty to bear witness to one's faith.

It appears, then, empirically too, that the notion of public reason is no help in situations like those described above. To explain to the religious inhabitants of the

Bible Belt and their local politicians the merits of exercising self-restraint with respect to religious arguments is not a promising endeavour. Where religious forces are in the majority, public reason seems to be hopelessly unrealistic, expressing a naïve wish that religion should not matter, where clearly it does. Where religious forces are in the minority, by contrast, public reason would seem to be too drastic to be reasonable, since it does not allow for the existence of religious parties at all.

It seems that if one is to respect the democratic idea of representation, according to which the population has the right to choose representatives by whom they feel represented, then all one can do is hope that the liberal mainstream will in the end prevail in the formal political sphere. Human rights guarantees could prevent a ban on swearing and similar religious positions from being implemented, but they cannot prevent the use of the legitimate coercive power of the state on a religious basis, nor can they prevent a religious party from stating that popular sovereignty is subordinate to God's will.

Actually, recent developments within the SGP provide reason to hope that the pull of the broad liberal mainstream is exerting its moderating influence on the party. With respect to membership policy, the court decision against public funding for the SGP led the party to initiate an internal discussion on its membership policy, which has brought greater equality for women within the party and may lead to further steps towards gender equality. With respect to theocracy, recent events indicate that the party is reconsidering its position on this issue, too. Since the end of 2008 the party has been debating whether, for strategic reasons, it should accept state neutrality. Supporters of this position argue that a neutral state that offers ample room for minorities is to be preferred over an atheist state in which religion is not supposed to have a role. The spectre of increasing secularisation in the Netherlands makes this seem the better option to some. Opponents reject the acceptance of state neutrality as against the Bible and a betrayal of the SGP's mission. Even though the parliamentary representatives of the party reject any strategic acceptance of state neutrality, the party did decide to stop using the term "theocracy", which, the party found, gives rise to misunderstandings, especially in the context of Muslim fundamentalism. At the same time, the party announced that a commission is to investigate the relevance of the Dutch basic rights to the SGP's party programme, a development that may lead to a revision of the party's basic principles.

These are indications that the broadening of the liberal mainstream, including its increasing secularisation and diversification,<sup>37</sup> is creating a changing social en-

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<sup>37</sup> The initiator of the idea of accepting the neutral state has also pointed out that the SGP is in a difficult position requesting for minority rights for itself (in terms of schooling and other issues) while denying the same rights to Muslims.

vironment to which the SGP cannot turn a blind eye. In October 2008, celebrating its 90th anniversary, the party discussed the impression of some of its members that in the course of its existence, its political activities have increasingly come to be characterised by practical politics rather than bearing witness to the word of God.<sup>38</sup> From a liberal viewpoint, these developments within the SGP suggest a hope-inspiring process of democratisation in the SGP. The essential harmlessness of the SGP combined with these signs of change towards democracy may lead to the conclusion that the SGP is not a problem from the viewpoint of liberal democracy, or will at least cease to be one in the not too distant future.

### 7.11 Conclusion

In this chapter I addressed the issue of religious political parties. I argued that religious political parties are entities in their own right, differing from religious groups because of the fact that they are religious *parties*. As political parties, they play an important role in liberal democracy as bridges between the informal and the formal public spheres. However, political philosophy regards religious parties with misgivings, claiming that they can at best be tolerated. As toleration presupposes disapproval, I asked what it is about religious parties that makes them, in contrast to other political parties, objects of disapproval. I argued that the answer lies in how some religious political parties relate to liberal democratic principles in their own organisation (internal democracy) and how they relate to liberal democratic principles in their aims, programmes, and actions (external democracy). On these two dimensions, some religious political parties come into conflict with liberal democracy and toleration is the proper framework to analyse the ways in which they do so.

Where internal democracy is concerned, I discussed the case of discrimination against women in membership policies and argued that particularly from a proceduralist democratic viewpoint, religious parties should be given extensive freedom of association in order to allow them to live (and organise) according to their religious principles. As regards external democracy, I identified two problematic issues. The one is the demand particularly of orthodox and fundamentalist parties that government should have a role in promoting faith. The other is the rejection of popular sovereignty and the endorsement of theocracy.

In a next step, I argued that toleration is not only the proper framework to ana-

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<sup>38</sup> See Reformatorisch Dagblad 24 October 2008.



lyse such conflicts between the aims of religious parties and liberal democracy, but also the appropriate answer to the question of how to deal with such religious parties. Only fundamentalist religious parties pose a potential danger to the existence of liberal democracy, but in Western liberal democracies they are too small to stand a chance to attain their goals. Adopting Spinner-Halev's framework of toleration, which is predicated on the existence of a broad liberal mainstream upholding liberal democracy, I argued in favour of the toleration of those religious parties (orthodox and fundamentalist) that come into conflict with liberal democracy.

In the second part of this chapter, I discussed the case of a Dutch fundamentalist religious party, the SGP. I described how it conflicts with liberal democracy on both the accounts identified above but how, from a Dutch perspective, it is embedded in a tradition of religious politics. Moreover, the SGP on the national level poses no danger to the existence of liberal democracy in the Netherlands and is therefore best described as an essentially harmless party. On the local level, however, the SGP together with the CU in some city councils in the Bible Belt holds a majority of seats, allowing it to make decisions and change rules and regulations on the basis of its religious views. Some of the political decisions which the SGP has made on the local level may be symbolic only, and some may be ineffective because they are repealed by constitutional guarantees of free speech. But they all are instances of what public reason theories have rightly warned against, namely, the exercise of the legitimate coercive power of the state on an explicitly religious basis. However, in the matter of toleration, the differences between the national and the local level raise insurmountable problems. If the SGP does not provide sufficient reason at the national level for it to be banned, its influence at the local level cannot be adduced as a reason for its banning. Under the circumstances under which the SGP functions at the local level, public reason is of no use. As long as religious worldviews determine how some citizens and office-holders think about politics, no plea for self-restraint in the use of religious arguments will be able to prevent politics being pursued on a religious basis. And as long as one takes seriously a commitment to procedural notions of liberal democracy, there is nothing that can be done about it, nothing, that is, except hope that the liberal mainstream will in the end prevail in the formal public sphere.